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August 25, 2008

Honorable Richard M. Berman
United States District Court
Southern District of New York
40 Centre Street
New York, New York 10007

Re: EBERHARD v. MARCU, 03 Civ 0813 (RMB)
And UNITED STATES v. EBERHARD, 08 civ. 5622 (RMB)

Dear Judge Berman:

In the parties' submissions of August 8, we set forth our respective positions on what should/ must be done with the Canadian properties. Without a decision from Your Honor, the property is now *de facto* seized by the government without a warrant, because the Receiver has no right to hold Borderline NS, and the U.S. Attorney's office has not obtained (and cannot properly obtain) a restraining order controlling the asset.

In the meantime, Mrs. Eberhard is being deprived of her property. I ask for an immediate conference.

Very truly yours,

Vivian Shevitz

cc: All counsel, both cases